

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44977 of 2023

Applicant :- Chaviram

Opposite Party :- State of U.P.

Counsel for Applicant :- Deepak Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 02 of 2021 under Sections 395, 412 I.P.C., Police Station- Amroha Dehat, District- Amroha, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant has neither been named in the F.I.R. nor arrested from the spot. The name of the applicant surfaced in the confessional statement of the co-accused. The allegedly recovered motorcycle has not been connected to any crime. The applicant has no concern with the alleged crime and no specific role has been assigned to him. It is next contended that co-accused, Chandrashekhar, having identical role, has been granted bail by this Court in Crl. Misc. Bail Application No. 23060 of 2021 vide order dated 18.8.2021. The criminal history of the applicant has been explained in para 2 of the supplementary affidavit. The applicant is in jail since 07.01.2021, in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made above and the fact that the applicant has remained confined for almost two years, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either temper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the

opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Chaviram**, involved in aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 2.12.2023

S.Verma